IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

Crl.Rev.Pet.No. 3206 of 2003(B)

CRA.619/2001 of SESSIONS COURT, KOZHIKOE
SC.36/2001 of II ADDL.ASSISTANT SESSIONS COURT, KOZHIKODE

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REVN. PETITIONER: APELLANT/ACCUSED:

RAVEENDRAN, S/O. KUNHIRAMAN NAMBIAR,
THAZHEKALATHIL HOUSE, CHEVAYOOR AMSOM DESOM,
KOZHIKODE.

BY ADV. SRI.P.NARAYANAN

RESPONDENTS: RESPONDENT/COMPLAINANT:

STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTORMR. PUZHAKKARA MUHAMMED

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 29/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P.NO.3206 of 2003-B

DATED THIS THE 29th DAY OF MAY 2007

ORDER

The revision petitioner stands convicted for the offence under Section 55(a) of the Abkari Act and sentenced to undergo simple imprisonment for one year and to pay a fine of Rs.1,00,000/-(Rupees one lakh) and in default to undergo simple imprisonment for two months. The prosecution case is that on 8-10-1999 at about 5.35 p.m. the accused was found in possession of 4 ½ litres of illicit liquor and that he was apprehended by the Sub Inspector of Police, Thiruvambady, who was patrolling in the area. The evidence adduced in the matter consisted of the testimony of Pws. 1 to 6, Exts.P1 to P8 and Mos.1 and 2. Ext.P8 certificate of chemical analysis do establish the fact that the sample tested contained ethyl alcohol 40.13 and 39.89% by volume. Pws.1 and 4, the Police Constable and the Sub Inspector respectively have testified with respect to the incident, as to the apprehension, seizure and sampling. They also identified the Mos. No contradiction or inconsistency has

been brought out in the evidence.

In the circumstances, I find no reason to interfere in the findings of the courts below. The same is confirmed. The quantity is more than 4 litres. Hence, the sentence is not liable to be modified. The conviction and sentence are confirmed. The Crl.revision petition is dismissed.

K.R.UDAYABHANU, JUDGE

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